

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**RONNIE FRANK NICHOLSON, JR.,**

Plaintiff,

**-vs-**

**Case No. 16-CV-310**

**SCOTT ECKSTEIN and BRIAN MILLER,**

Defendants.

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**DECISION AND ORDER**

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On March 14, 2016, the plaintiff filed a *pro se* complaint under 42 U.S.C. § 1983. However, he did not pay the full filing fee or file a petition for leave to proceed without prepayment of the filing fee. The plaintiff has now filed a motion asking to pay the \$400 filing fee in its entirety. He asks the Court for an Order allowing him to pay the filing fee with the \$15.75 from his release account and the remainder from his prison release account.

Generally, the Court will respect a prisoner's choice to pay either an initial partial filing fee or full filing fee from his release account. *See Doty v. Doyle*, 182 F. Supp. 2d 750, 751 (E.D. Wis. 2002). However, in this case, the plaintiff did not provide a copy of his trust account statement so the Court cannot evaluate whether the plaintiff has sufficient funds in his release account to pay the remainder of the filing fee.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT** on or before **Friday, May 20, 2016**, the plaintiff shall submit a certified copy of his prison trust account statement for the six months prior to him filing his complaint. Failure to comply with this Order may result in dismissal of this action for failure to pay the filing fee. The plaintiff also may file a petition for leave to proceed without prepayment of the filing fee (copy enclosed), which also must be accompanied by a certified copy of his prison trust account statement.

**IT IS FURTHER ORDERED** that a copy of this order be sent to the warden at Redgranite Correctional Institution.

Dated at Milwaukee, Wisconsin, this 29th day of April, 2016.

**BY THE COURT:**

*s/ Pamela Pepper*  
for **HON. RUDOLPH T. RANDA**  
**U.S. District Judge**